

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

CONFERENCE COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
HOUSE BILL NO. 1178

By: Ross of the House

and

Horner of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to the Tulsa Race Riot of 1921; enacting the 1921 Tulsa Race Riot Reconciliation Act of 2001; making legislative findings regarding certain events; amending Section 3, Chapter 36, O.S.L. 2000 (74 O.S. Supp. 2000, Section 8201.1), which relates to The 1921 Tulsa Race Riot Memorial of Reconciliation Design Committee; modifying references related to recommendations; modifying membership of Committee; modifying provisions related to meetings; imposing duties with respect to certain nonprofit organization; amending Section 4, Chapter 36, O.S.L. 2000 (74 O.S. Supp. 2000, Section 8201.2), which relates to The 1921 Tulsa Race Riot Commission Revolving Fund; modifying name of fund; stating legislative intent with respect to certain fund raising; amending Section 2, Chapter 36, O.S.L. 2000, as amended by Section 23, Chapter 418, O.S.L. 2000 (53 O.S. Supp. 2000, Section 4.13), which relates to the Greenwood Area; authorizing acquisition of real property for certain purposes; modifying entity authorized to acquire title; deleting provisions related to certain victims; requiring official certification by Executive Director of the Oklahoma Historical Society; enacting the Greenwood Area Redevelopment Authority Act; defining terms; creating Greenwood Area Redevelopment Authority; stating purpose; stating mission; providing for governance by board of trustees; providing for membership; authorizing meetings; providing for applicability of Open Meeting Act; providing for conduct of proceedings; providing exemption related to certain public offices; specifying powers; prohibiting exercise of certain powers; requiring long term plan; specifying content of plan; requiring final report; requiring cooperation by certain state governmental entities; enacting the Tulsa Reconciliation Education and Scholarship Act; creating Tulsa Reconciliation Education and Scholarship Program; specifying purposes of program; providing for scholarships; prescribing procedures related to scholarships; defining terms; providing procedures with respect to applicants for scholarships; requiring rules; providing for eligibility requirements; prescribing qualifications for participation and qualification for awards; providing for continuing eligibility;

specifying amount for allocations to certain fund; providing for allocation subject to availability of funds; imposing limitations with respect to benefits of scholarship program; imposing time limit on participation; providing for minimum number of awards; providing for award on basis of need under certain circumstances; prescribing requirements with respect to expenditures; providing for certain absolute priority; creating Tulsa Reconciliation Education and Scholarship Trust Fund; prescribing requirements with respect to Trust Fund; requiring rules; providing for noncodification; providing for codification; providing for recodification; providing effective dates; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

Sections 1 through 20 of this act shall be known and may be cited as the "1921 Tulsa Race Riot Reconciliation Act of 2001".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8000.1 of Title 74, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Legislature hereby finds, pursuant to the final report of The 1921 Tulsa Race Riot Commission regarding the 1921 Tulsa Race Riot of May 31-June 1, 1921, and the riot=s place in the history of race relations in Oklahoma:

1. The root causes of the Tulsa Race Riot reside deep in the history of race relations in Oklahoma and Tulsa which included the enactment of Jim Crow laws, acts of racial violence (not the least of which was the 23 lynchings of African-Americans versus only one white from 1911) against African-Americans in Oklahoma, and other actions that had the effect of "putting African-Americans in Oklahoma in their place" and to prove to African-Americans that the forces supportive of segregation possessed the power to "push down, push out, and push under" African-Americans in Oklahoma;

2. Official reports and accounts of the time that viewed the Tulsa Race Riot as a "Negro uprising" were incorrect. Given the

history of racial violence against African-Americans in Oklahoma, including numerous lynchings by white mobs, and the breakdown of the rule of law in Tulsa on May 31 - June 1, 1921, it is understandable that African-Americans believe they needed to assist Tulsa police in protecting Dick Rowland, an African-American accused of attempting to rape a white woman, against an assembled white mob. The documentation assembled by The 1921 Tulsa Race Riot Commission provides strong evidence that some local municipal and county officials failed to take actions to calm or contain the situation once violence erupted and, in some cases, became participants in the subsequent violence which took place on May 31 and June 1, 1921, and even deputized and armed many whites who were part of a mob that killed, looted, and burned down the Greenwood area;

3. The staggering cost of the Tulsa Race Riot included the deaths of an estimated 100 to 300 persons, the vast majority of whom were African-Americans, the destruction of 1,256 homes, virtually every school, church and business, and a library and hospital in the Greenwood area, and the loss of personal property caused by rampant looting by white rioters. The Tulsa Race Riot Commission estimates that the property costs in the Greenwood district was approximately \$2 million in 1921 dollars or \$16,752,600 in 1999 dollars. Nevertheless, there were no convictions for any of the violent acts against African-Americans or any insurance payments to African-American property owners who lost their homes or personal property as a result of the Tulsa Race Riot. Moreover, local officials attempted to block the rebuilding of the Greenwood community by amending the Tulsa building code to require the use of fire-proof material in rebuilding the area thereby making the costs prohibitively expensive;

4. Perhaps the most repugnant fact regarding the history of The 1921 Tulsa Race Riot is that it was virtually forgotten, with the notable exception of those who witnessed it on both sides, for

seventy-five (75) years. This "conspiracy of silence" served the dominant interests of the state during that period which found the riot a "public relations nightmare" that was "best to be forgotten, something to be swept well beneath history=s carpet" for a community which attempted to attract new businesses and settlers;

5. The work of many individual Oklahomans and now of The 1921 Tulsa Race Riot Commission has forever ended the "conspiracy of silence" surrounding the events in Tulsa of May 31-June 1, 1921, and their aftermath. The Commission has subsequently turned the responsibility for how the State of Oklahoma will respond to the historical record to the 48th Oklahoma Legislature; and

6. The 48th Oklahoma Legislature in enacting the 1921 Tulsa Race Riot Reconciliation Act of 2001 concurs with the conclusion of The 1921 Tulsa Race Riot Commission that the reason for responding in the manner provided by this act is not primarily based on the present strictly legal culpability of the State of Oklahoma or its citizens. Instead, this response recognizes that there were moral responsibilities at the time of the riot which were ignored and has been ignored ever since rather than confront the realities of an Oklahoma history of race relations that allowed one race to "put down" another race. Therefore, it is the intention of the Oklahoma Legislature in enacting the 1921 Tulsa Race Riot Reconciliation Act of 2001 to freely acknowledge its moral responsibility on behalf of the state of Oklahoma and its citizens that no race of citizens in Oklahoma has the right or power to subordinate another race today or ever again.

SECTION 3. AMENDATORY Section 3, Chapter 36, O.S.L. 2000 (74 O.S. Supp. 2000, Section 8201.1), is amended to read as follows:

Section 8201.1 A. There is hereby created ~~until November 1, 2003,~~ The 1921 Tulsa Race Riot Memorial of Reconciliation Design Committee. The purpose of the Design Committee shall be to recommend the design of The 1921 Tulsa Race Riot Memorial of

Reconciliation and to provide oversight and advice to the Oklahoma Historical Society in the development ~~and,~~ construction and operations of such memorial. Monies appropriated by the Legislature necessary to achieve the purposes of this section for construction and design of the memorial shall be set at an amount not to exceed Five Million Dollars (\$5,000,000.00).

B. The Committee shall consist of ~~thirteen (13)~~ seventeen (17) members as follows:

1. Two members of the Oklahoma House of Representatives appointed by the Speaker of the House of Representatives;

2. Two members of the Oklahoma State Senate appointed by the President Pro Tempore of the Senate;

3. Two members appointed by the Governor;

4. The former Chair of The 1921 Tulsa Race Riot Commission at the time that the Commission terminated, or a designee;

5. The Executive Director of the Oklahoma Historical Society, or a designee;

6. The Executive Director of the Oklahoma Tourism and Recreation Department, or a designee;

7. The Mayor of the City of Tulsa, or a designee;

8. The Chair of the Tulsa City Council, or a designee;

9. The Chair of the Board of County Commissioners of Tulsa County, or designee; ~~and~~

10. One member, appointed by the Mayor of the City of Tulsa, who shall be a resident in the area of the ward or equivalent political subdivision of the City of Tulsa known as "Greenwood", and historically identified as "Black Wall Street of America";

11. Two nonlegislator Tulsa County residents, one of whom shall be appointed by the Speaker of the Oklahoma House of Representatives and one of whom shall be appointed by the President Pro Tempore of the Oklahoma State Senate; and

12. The executive directors or equivalent officers, or their designees, of the Metropolitan Tulsa Chamber of Commerce and the chamber of commerce organization for the Greenwood Area.

~~C. The Chair of The 1921 Tulsa Race Riot Commission shall convene the first meeting of the Design Committee on or before September 1, 2000, at which time the~~ The members shall annually elect a chair and vice-chair from among the membership. Meetings of the Design Committee shall be subject to the provisions of the Oklahoma Open Meeting Act and the Oklahoma Open Records Act.

D. Members of the Design Committee shall receive no compensation for their service on the Design Committee, but shall receive travel reimbursement as follows:

1. Legislative members of the Design Committee shall be reimbursed for necessary travel expenses incurred in the performance of their duties in accordance with the provisions of Section 456 of Title 74 of the Oklahoma Statutes;

2. Nonlegislative state agency members of the Design Committee shall be reimbursed by their agencies pursuant to the provisions of the State Travel Reimbursement Act; and

3. Other members of the Design Committee shall be reimbursed by the Oklahoma Historical Society pursuant to the provisions of the State Travel Reimbursement Act.

E. Staffing for the Design Committee shall be provided by the staffs of the Oklahoma House of Representatives, the Oklahoma State Senate and the Oklahoma Historical Society.

F. The duties of the Design Committee shall be to:

1. Develop criteria for and solicit public comment and input on the development and design of The 1921 Tulsa Race Riot Memorial of Reconciliation;

2. Develop and implement criteria for The 1921 Tulsa Race Riot Memorial of Reconciliation Design Competition which shall include, but not be limited to, solicitation of designs from appropriate

persons or entities. The Design Committee shall select three designs as finalists from among the designs submitted through the competition and shall present the selected designs to the public for comment and input. The Design Committee shall give due consideration to the comments received from the public in choosing the design that, in the opinion of a majority of the Design Committee members, is most appropriate to commemorate the lives of the victims and honor the survivors of The 1921 Tulsa Race Riot. The Design Committee shall forward the selected design to the Governor, the Speaker of the House of Representatives and the President Pro Tempore of the Senate; ~~and~~

3. Provide oversight and advice to the Oklahoma Historical Society during the development, design and construction of The 1921 Tulsa Race Riot Memorial of Reconciliation; and

4. Assist with the creation of a nonprofit organization the principal purpose of which shall be to assist in implementing the provisions of the 1921 Tulsa Race Riot Reconciliation Act of 2001.

SECTION 4. AMENDATORY Section 4, Chapter 36, O.S.L. 2000 (74 O.S. Supp. 2000, Section 8201.2), is amended to read as follows:

Section 8201.2 A. There is hereby created in the State Treasury a revolving fund for the Oklahoma Historical Society to be designated The 1921 Tulsa Race Riot ~~Commission~~ Memorial of Reconciliation Revolving Fund. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of: revenue received pursuant to publication of the final report of The 1921 Tulsa Race Riot Commission; funds received from a joint venture between the City of Tulsa and The 1921 Tulsa Race Riot Commission; gifts; donations; or private, state, or federal grant funds.

B. All monies accruing to the credit of such fund are hereby appropriated and may be budgeted and expended by the Oklahoma Historical Society for the purpose of paying for expenses associated with publication of the final report of The 1921 Tulsa Race Riot

Commission and expenses incurred by The 1921 Tulsa Race Riot Memorial of Reconciliation Design Committee in developing criteria for, selecting the design of, and providing oversight and advice during the development, design and construction of The 1921 Tulsa Race Riot Memorial of Reconciliation.

C. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8203 of Title 74, unless there is created a duplication in numbering, reads as follows:

It is the intent of the Legislature that the Oklahoma Capitol Complex and Centennial Commemoration Commission and the not-for-profit corporation authorized by Section 98.4 of Title 73 of the Oklahoma Statutes to assist the Commission shall cooperate in raising public and private monies for the purposes set forth in the 1921 Tulsa Race Riot Reconciliation Act of 2001.

SECTION 6. AMENDATORY Section 2, Chapter 36, O.S.L. 2000, as amended by Section 23, Chapter 418, O.S.L. 2000 (53 O.S. Supp. 2000, Section 4.13), is amended to read as follows:

Section 4.13 A. ~~A park located on a parcel of land presently owned by The University Center of Tulsa Trust Authority within the area of the City of Tulsa, Oklahoma, known as "Greenwood", all appurtenances and all personal property attached thereto, shall be transferred from The University Center of Tulsa Trust Authority to the Oklahoma Historical Society. The Oklahoma Historical Society shall have the same powers and duties with respect to the transferred land as were previously vested in The University Center of Tulsa Trust Authority.~~ The Oklahoma Historical Society is hereby authorized to acquire real property for the site for the location of The 1921 Tulsa Race Riot Memorial of Reconciliation. The site selection shall involve the cooperation of The 1921 Tulsa Race Riot

Memorial of Reconciliation Committee. The Society shall assume the performance of all existing and future obligations related to the development, design, operation and maintenance of The 1921 Tulsa Race Riot Memorial of Reconciliation created in Section 8201.1 of Title 74 of the Oklahoma Statutes.

B. The Society shall hold and use the land transferred to the Oklahoma Historical Society pursuant to the provisions of subsection A of this section for the development, design ~~and~~, construction and operation of The 1921 Tulsa Race Riot Memorial of Reconciliation commemorating the lives of the victims and honoring the survivors of The 1921 Tulsa Race Riot. The Society shall erect the memorial pursuant to procedures outlined in Section 8201.1 of Title 74 of the Oklahoma Statutes.

~~C. The Oklahoma Historical Society shall take all actions necessary to identify and exhume the remains of victims of "The 1921 Tulsa Race Riot".~~

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8205 of Title 74, unless there is created a duplication in numbering, reads as follows:

The Executive Director of the Oklahoma Historical Society shall certify on or before October 1, 2001, an official list of surviving residents on May 31 through June 1, 1921, of the Greenwood community in the City of Tulsa when the Tulsa Race Riot took place who are known to be living as of the effective date of this act, from the research of The Tulsa Race Riot Commission and any other survivors of The 1921 Tulsa Race Riot who can document that they should be included. No additional persons shall be added to the list after October 1, 2001.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8221 of Title 74, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Greenwood Area Redevelopment Authority Act".

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8222 of Title 74, unless there is created a duplication in numbering, reads as follows:

As used in this act:

1. "Authority" means the Greenwood Area Redevelopment Authority; and

2. "Greenwood Area" means those portions of the City of Tulsa sustaining significant damage during the period of civil unrest occurring during the months of May and June, 1921, and further identified as follows:

That area of the City of Tulsa bordered on the west by Detroit, on the south by Archer Street, on the east by Peoria Avenue, and on the north the boundary extended beyond Pine Street to approximately 46th Street.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8223 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Greenwood Area Redevelopment Authority. The Authority shall be an instrumentality of the state.

B. The Authority is created in order to provide a method to facilitate the redevelopment of the Greenwood Area.

C. In addition to other responsibilities imposed pursuant to the Greenwood Area Redevelopment Authority Act, the mission of the Authority shall be to assist in finding methods for other entities, both in the private sector and public sector, to promote the investment, reinvestment, development and revitalization of qualified metropolitan areas.

D. The Authority shall be governed by a board of trustees which shall consist of seventeen (17) members to be appointed or who shall serve on the board of trustees for the Authority as follows:

1. Two members to be appointed by the Speaker of the House of Representatives, one of whom shall be a legislator from the area of the City of Tulsa;

2. Two members to be appointed by the President Pro Tempore of the Oklahoma State Senate, one of whom shall be a legislator from the area of the City of Tulsa;

3. Two members to be appointed by the Governor;

4. Five members to be appointed by the mayor of the City of Tulsa;

5. The executive director, or a designee, of the Tulsa Metropolitan Chamber of Commerce;

6. The executive director, or a designee, of the Chamber of Commerce serving the Greenwood Area;

7. The executive director, or a designee, of the Oklahoma Department of Commerce;

8. The executive director, or a designee, of the Oklahoma Bankers' Association; and

9. Two persons to be selected by the Oklahoma Municipal League with the following qualifications:

- a. a person with experience in the use of venture capital or seed capital to promote investment or reinvestment in metropolitan areas, and
- b. a person with qualifications deemed suitable for the purposes of the Authority as determined by the Oklahoma Municipal League.

E. The Authority shall be authorized to conduct its meetings as required in order to perform the duties imposed upon the Authority pursuant to law. The Authority shall be subject to the provisions of the Oklahoma Open Meeting Act.

F. A simple majority of the board of trustees shall be required to approve any actions taken by the Authority.

G. No person appointed to or otherwise serving on the board of trustees of the Authority shall be required to vacate any public office otherwise subject to the requirements of Section 6 of Title 51 of the Oklahoma Statutes and for purposes of such requirements, the position of trustee shall not be considered a public office.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8224 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Authority shall have the power to:

1. Adopt a seal for its official use;
2. Contract;
3. Own property;
4. Accept gifts and donations;
5. Invest funds under its control; and
6. Such other powers as are not inconsistent with the duties

and responsibilities imposed upon the Authority.

B. The Authority shall not have the power to:

1. Acquire property through the use of eminent domain;
2. Become indebted in any manner; or
3. Take any action in derogation of the rights, whether based

on contract or otherwise, established pursuant to any agreements entered into between private entities, between public entities or by one or more private and one or more public entities.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8225 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. In addition to other responsibilities imposed upon it by law, the Authority shall develop a long term plan for the redevelopment of the Greenwood Area. The Authority may engage the services of such advisors, consultants or other persons or business entities as may be required in order to formulate the plan.

B. The plan shall include:

1. An assessment of the existing conditions of the Greenwood Area, including, but not limited to:

- a. population,
- b. per capita income,
- c. employment or unemployment rates,
- d. workforce characteristics,
- e. assessed value,
- f. existing land use regulations or restrictions,
- g. available utilities such as water, electricity, solid and other waste disposal and access to telecommunication services, including but not limited to conventional or fiber optic cable,
- h. identification of persons or entities doing business within the Greenwood Area,
- i. identification of existing infrastructure such as water, sewer, roads, and other public sector assets which are material to business location, business investment and business reinvestment decisions,
- j. traffic volume and characteristics,
- k. any existing economic development incentives applicable to persons or entities within the Greenwood Area, including but not limited to areas which qualify as enterprise zones pursuant to Sections 690.1 et seq of Title 62 of the Oklahoma Statutes and any existing or proposed increment or incentive districts pursuant to the Local Development Act, Section 850 et seq. of Title 62 of the Oklahoma Statutes, and
- l. such other demographic data or characteristics as the Authority or its consultants or advisors consider to be relevant to the mission and responsibilities imposed upon the Authority pursuant to this section;

2. Specific recommendations regarding the redevelopment and reinvestment of capital within the Greenwood Area, including, but not limited to recommendations regarding the uses of real property most conducive to the redevelopment and reinvestment of the Greenwood Area, whether for residential dwellings, wholesale or retail business activity, commercial and industrial activity, governmental uses, community assets such as parks and similar development, and such other uses of the Greenwood Area real property most conducive to a sustained and viable redevelopment and reinvestment resulting in a productive use of the real property and improvements located within the Greenwood Area;

3. An analysis of the efforts of other states or political subdivisions with respect to the redevelopment and reinvestment of areas with economic characteristics similar to the Greenwood Area with recommendations to duplicate successful models or programs, whether through the stimulation of private investment, the use of government resources to stimulate private investment, community development programs and other methods as deemed advisable by the Authority;

4. A specific list of resources that might be utilized in the redevelopment and reinvestment effort, including, but not limited to:

- a. federal grants or loans or programs offered through any federal agency such as the United States Department of Commerce and the United States Department of Housing and Urban Development,
- b. state programs available to individuals or business entities, whether in the form of grants or loans or other programs, which would have the effect of stimulating redevelopment and reinvestment in the Greenwood Area,

- c. local programs available to individuals or business entities which would have the effect of stimulating redevelopment and reinvestment in the Greenwood Area, and
- d. any program or resource available through private not-for-profit organizations that would be compatible with the goals and objectives of the Authority with respect to its duties for the development of the long-term plan and the identification of specific actions which could be taken to stimulate redevelopment and reinvestment in the Greenwood Area; and

5. A projected timetable with specific dates to achieve the recommended development of the Greenwood Area including specific actions to be taken by persons, business entities, financial service providers, contractors, consultants, or other persons or entities in order to achieve the recommendations of the Authority within a realistic period of time.

C. The final report and recommendations of the Authority shall be presented to the mayor of the City of Tulsa, the Speaker of the Oklahoma House of Representatives, the President Pro Tempore of the Oklahoma State Senate and the Governor not later than January 1, 2003.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8226 of Title 74, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Department of Commerce, the Oklahoma Tax Commission, the Oklahoma Employment Security Commission and all other state agencies, boards, commissions, departments and other entities shall provide such assistance to the Authority as may be required in order for the Authority to perform the duties imposed upon it pursuant to law.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2620 of Title 70, unless there is created a duplication in numbering, reads as follows:

Sections 14 through 20 of this act shall be known and may be cited as the "Tulsa Reconciliation Education and Scholarship Act".

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2621 of Title 70, unless there is created a duplication in numbering, reads as follows:

There is hereby created the Tulsa Reconciliation Education and Scholarship Program. The purpose of the program is to provide a scholarship award to residents of the City of Tulsa, which was greatly impacted both socially and economically by the civil unrest that occurred in the city during 1921. Beginning with the 2002-2003 school year, the program shall each year make available not less than 300 scholarships to qualified residents of the City of Tulsa, who meet the criteria set forth in this act, and who are intending to pursue studies at an institution of higher education in The Oklahoma State System of Higher Education or a private institution, or who are intending to pursue studies in a postsecondary vocational-technical program. The scholarship shall be an amount of not more than the equivalent of the amount of resident tuition for which an eligible Tulsa Reconciliation Education and Scholarship Program participant enrolled at an institution in The Oklahoma State System of Higher Education is obligated to pay. The scholarship shall be paid as provided for in Section 19 of this act. The further purpose of this program is to establish and maintain a variety of educational support services whereby residents who qualify for the program will be prepared for success in postsecondary endeavors.

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2622 of Title 70, unless there is created a duplication in numbering, reads as follows:

As used in the Tulsa Reconciliation Education and Scholarship Act:

1. "Resident" means a person of any age who has resided within the corporate city limits of Tulsa, Oklahoma for not less than two (2) years prior to applying for participation in the Tulsa Reconciliation Education and Scholarship Program;

2. "Private institution" means a private institution of higher learning located within this state which is accredited pursuant to Section 4103 of Title 70 of the Oklahoma Statutes; and

3. "Postsecondary vocational-technical program" means a postsecondary vocational-technical program or course offered pursuant to a duly approved cooperative agreement between a technical center school and an institution of The Oklahoma State System of Higher Education.

SECTION 17. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2623 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. 1. If, in any year, the Oklahoma State Regents for Higher Education receive more than 300 applications for the Tulsa Reconciliation Education and Scholarship Program from residents of the City of Tulsa, the Regents shall determine the order of preference of the applicants based on the following factors:

- a. the family income of the applicant from taxable sources is not more than Seventy Thousand Dollars (\$70,000.00) per year,
- b. the applicant attended a Tulsa public school where seventy-five percent (75%) or more of the students enrolled in the school qualify for the free and reduced lunch program, and
- c. the applicant resides in a census block area within the City of Tulsa where thirty percent (30%) or more

of the residents are at or below the poverty level established by the United States Bureau of the Census.

2. The Regents may consider as a factor, when determining the order of preference of applicants, whether an applicant is a direct lineal descendant of a person who resided in the Greenwood Area in the City of Tulsa on April 30 through June 1, 1921. If the Regents use descent as a preference factor, it shall be applied to all applicants. The applicants shall be required to present verifiable documentation of their lineage. The Oklahoma Historical Society shall verify the authenticity and accuracy of the documentation submitted by an applicant and shall establish the boundaries of the Greenwood area. Verifiable documentation shall include, but not be limited to the following:

- a. family records including family bibles, vital records, correspondence, memoirs, journals, diaries, unrecorded deeds, diplomas, certificates, or testimonials,
- b. public records including censuses, government records, military records, pensions, land bounty records, passport applications, passenger lists, original grants, naturalization or immigration records, records of entry, or state, province, or local records, or
- c. institutional records including church records, cemetery records and inscriptions, education institutions, insurance records, or societies and fraternal organizations.

B. The Regents shall promulgate rules establishing the application requirements for the program and the system for evaluating applications based on the preference factors.

C. Applicants who meet the preference factors listed in this section shall also be required to meet the eligibility criteria established in Section 18 of this act.

SECTION 18. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2624 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. To be eligible to participate in the Tulsa Reconciliation Education and Scholarship Program and to qualify for an award, a resident shall:

1. Have satisfied admission standards as determined by the Oklahoma State Regents for Higher Education for the appropriate type of institution or, if attending a private institution, have satisfied admission standards as determined by the private institution. No resident participating in the Tulsa Reconciliation Education and Scholarship Program shall be admitted into an institution of higher education by special admission standards; and

2. Have secured admission to, and enrolled in, an institution which is a member of The Oklahoma State System of Higher Education, a private institution, or a postsecondary vocational-technical program.

B. To retain eligibility while pursuing the program of higher learning in which enrolled, the participant shall:

1. Maintain good academic standing and satisfactory academic progress according to standards of the Oklahoma State Regents for Higher Education; and

2. Comply with the standards related to maintenance of eligibility as promulgated by the Oklahoma State Regents for Higher Education or the State Board of Career and Technology Education.

C. The Oklahoma State Regents for Higher Education shall promulgate rules relating to maintenance of eligibility under this act by a participant.

SECTION 19. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2625 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Subject to the availability of funds, an amount of not more than the equivalent of the amount of resident tuition for which an eligible Tulsa Reconciliation Education and Scholarship Program participant enrolled in an institution in The Oklahoma State System of Higher Education is obligated to pay shall be awarded by allocation from the Tulsa Reconciliation Education and Scholarship Trust Fund.

B. Subject to the availability of funds, for each eligible Tulsa Reconciliation Education and Scholarship Program participant enrolled at a private institution, the Oklahoma State Regents for Higher Education shall award from the Tulsa Reconciliation Education and Scholarship Trust Fund an amount of not more than the equivalent of the amount of resident tuition for which the participant would be eligible if the participant were enrolled in a comparable program at a comparable institution of The Oklahoma State System of Higher Education. Comparability shall be determined by the State Regents.

C. Subject to the availability of funds, an amount of not more than the equivalent of the amount of tuition for which an eligible Tulsa Reconciliation Education and Scholarship Program participant enrolled in a postsecondary vocational-technical program is obligated to pay shall be awarded by allocation from the Tulsa Reconciliation Education and Scholarship Trust Fund. The allocation shall not exceed the amount a participant would have received for comparable enrollment at a two-year institution within The Oklahoma State System of Higher Education.

D. Benefits awarded under the Tulsa Reconciliation Education and Scholarship Program shall not be allowed for courses or other postsecondary units taken in excess of the requirements for completion of a baccalaureate program or taken more than five (5) years after the student's first semester of participation in the program. The Oklahoma State Regents for Higher Education may award the Tulsa Reconciliation Education and Scholarship Program benefits

for courses of postsecondary units taken more than five (5) years after the student's first semester of participation in the program only in hardship circumstances. No Tulsa Reconciliation Education and Scholarship Program participant may receive benefits beyond a cumulative time period of five (5) years. The Oklahoma State Regents for Higher Education may establish a maximum limit on the number of courses or other postsecondary units to which Tulsa Reconciliation Education and Scholarship Program benefits will apply. An award to an eligible Tulsa Reconciliation Education and Scholarship Program participant who is enrolled in a postsecondary vocational-technical program may be used to pay for both vocational-technical and college work if both are required by the program.

E. Benefits awarded under the Tulsa Reconciliation Education and Scholarship Program shall be awarded to not less than 300 eligible participants without any limitation on the number of awards in any year other than the amount of funds available for the program and the number of eligible participants. Subject to the provisions of subsection F of this section, if funds are not sufficient to provide awards for all eligible participants, the Oklahoma State Regents for Higher Education shall make awards on the basis of need. The Oklahoma State Regents for Higher Education shall take into consideration other grants and scholarships received by an eligible student when making awards. If an eligible student receives other grants and scholarships, the benefits awarded under the Tulsa Reconciliation Education and Scholarship Program may cover any additional educational costs not covered by the other grants and scholarships. If the family of an eligible Tulsa Reconciliation Education and Scholarship Program participant may qualify for the federal Hope Scholarship or Lifetime Learning tax credit as provided for in the Taxpayer Relief Act of 1997, P.L. No. 105-34, the participant may elect to use the award allowed by this section to

pay for fees, required textbooks or materials, and if any funds remain to pay for room and board, instead of resident tuition.

F. The Oklahoma State Regents for Higher Education may, at the time an award is made on behalf of a Tulsa Reconciliation Education and Scholarship Program participant, set aside in the Tulsa Reconciliation Education and Scholarship Trust Fund funds for the full commitment made to such Tulsa Reconciliation Education and Scholarship Program participant. For all academic years, participants who have previously received awards under the provisions of the Tulsa Reconciliation Education and Scholarship Act and who have continued at all times to fulfill the requirements for eligibility to receive awards provided pursuant to this program shall be given an absolute priority for continued financial support by the Tulsa Reconciliation Education and Scholarship Program superior to any residents who are applying for such benefits for the first time.

SECTION 20. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2626 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created a trust fund to be known as the "Tulsa Reconciliation Education and Scholarship Trust Fund". The Oklahoma State Regents for Higher Education shall be the trustees of said Trust Fund.

B. The State Regents shall utilize said Trust Fund to implement the provisions of the Tulsa Reconciliation Education and Scholarship Act.

C. The Trust Fund principal shall consist of monies the Legislature appropriates or transfers to the Oklahoma State Regents for Higher Education for the Trust Fund and any monies or assets contributed to the Trust Fund from any other source, public or private.

D. Notwithstanding other provisions of law, income and investment return on Trust Fund principal shall accrue to the Trust Fund for use as provided by authorization of the trustees for the purposes provided in Sections 14 through 19 of this act. The State Regents may also utilize the Trust Fund principal for the purposes provided in Sections 14 through 19 of this act. Except as otherwise provided by law, no such income or investment return or principal shall be used for administrative expenses; expenses incurred by the State Regents in the administration of the Trust Fund and of the Tulsa Reconciliation Education and Scholarship Program established by this act shall be paid from monies appropriated to the State Regents coordinating board for their general operating budget.

E. The Regents shall adopt rules for accomplishing transfer of funds from the Tulsa Reconciliation Education and Scholarship Trust Fund to the appropriate institutional Educational and General Operations Revolving Funds, as provided in Section 3901 of Title 70 of the Oklahoma Statutes, to private institutions, and to the appropriate technology center school district. Allocations from the Trust Fund may be made only for the purpose of covering the scholarship award of eligible participants. No portion of the Trust Fund may be used or allocated for administrative or operating expenses of any higher education institution or technology center school.

SECTION 21. RECODIFICATION Section 2, Chapter 36, O.S.L. 2000 (53 O.S. Supp. 2000, Section 4.13), as last amended by Section 6 of this act, shall be recodified as Section 8204 of Title 74 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 22. Sections 1 through 5 and Sections 7 through 21 of this act shall become effective July 1, 2001.

SECTION 23. Section 6 of this act shall become effective September 1, 2001.

SECTION 24. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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